

REMARKS

Applicant has amended claims 1, 2, 4-6, 8-10, 12-14 and 16 to correct minor matters of English usage without changing claim scope.

Claims 1-3, 7-11 and 15-17 have been rejected under 35 USC 102(b) as anticipated by U.S. Patent No. 5,144,634 (Gasser). Applicant respectfully traverses this rejection.

Claim 1 as amended recites the feature that the thin film is configured to release emitted light as near field light from an area of the thin film when the thin film is irradiated with light from the light emitting element and to block light from the area of the thin film when the thin film is not irradiated with light from the light emitting element. This amendment finds support, for example, at page 9, line 12 - page 10, line 6, of the specification and FIG. 6 of this application, which shows the area for near field light emission as 14a.

The Examiner contends that Gasser's passivation layer teaches this claimed feature of the thin film disposed on the exit surface. Applicant respectfully disagrees. All Gasser teaches is a laser diode as a generic light source. See, for example, column 1, lines 19-17, of Gasser. On the other hand, the claimed invention is directed to a near field light generating device. Accordingly, claim 1 states that the thin film is configured to release the emitted light as near field light from the area of the thin film when the thin film is irradiated with light from the light emitting element. Because Gasser discloses only a laser diode as a generic light source, Gasser does not teach or suggest that Gasser's passivation film is configured to release near field light from an area of Gasser's passivation film that is small enough to emit near field light. The Examiner admits at page 2 of the Action that Gasser's passivation film is transparent. However, no part of Gasser states that only a portion of Gasser's passivation film is transparent so as to generate the near field light. Without such teachings persons of ordinary skill in the art would have understood

that the entire portion of Gasser's passivation film is transparent because Gassers teaches or suggests no mechanism by which only a portion of Gasser's passivation film is transparent and the rest of the Gasser's passivation film is light blocking.

Gasser does not teach or suggest the feature of the thin film of claim 1. Claim 9 recites the same feature of the thin film as claim 1, except that the claimed small light transmitting area is formed when the film is heated. Thus, the rejection of claims 1-3, 7-11 and 15-17 under 35 USC 102(b) on Gasser should be withdrawn.

The remaining rejection relies on Gasser and thus should be withdrawn as well since Gasser does not provide the teachings for which it is cited.

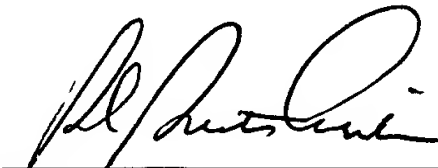
In light of the above, a Notice of Allowance is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952**, referencing Docket No. **325772017700**.

Respectfully submitted,

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